

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claim 1 has been amended to require that the microemulsion is a *nanostructured mixture* in accordance with the specification at paragraph [0065] of the published application, US 2007/0028507; and that the continuous aqueous phase and the continuous hydrophobic phase *are separated from each other by an amphiphilic film on a microscopic level* in accordance with paragraph [0066] of the published application. Applicants do not believe that either amendment introduces any new matter. An early notice to that effect is earnestly solicited.

Claims 1-9, 14, 15 and 18 were rejected under 35 USC § 102(e) as being anticipated by Varadaraj et al. ("Varadaraj I"), US 2003/0170512.

Claims 1-9, 15 and 18 were rejected under 35 USC § 102(e) as being anticipated by Varadaraj et al. ("Varadaraj II"), US 2003/0165722.

In response to both anticipation rejections based on Varadaraj I and Varadaraj II, Applicants point out, again, that claim 1 has been amended to specify the microemulsion as a "nanostructured mixture" that simultaneously comprises a continuous aqueous phase and a continuous hydrophobic phase separated from each other by an amphiphilic film on a microscopic level."

Such emulsion leads to "water and oil domains of the order of 100 nm, which allows optimum combination" with "a significant reduction of noxious substances in the

exhaust gases" (see [0126] and [129] of the specification). Applicants respectfully submit that neither Varadaraj I nor Varadaraj II teaches such microemulsions.

Moreover, Applicants note that the term "thermodynamically stable" in connection with microemulsions means that the mixture do not phase separate upon standing for an extended period of time (e.g. one month or more). Such is the case for all microemulsions of the present invention.

As to the term "thermodynamically stable," Applicants submit as a part of an information disclosure statement copies of an article of Gillberg et al. in *J. of Colloid and Interface Science* 33:40-53 (1970), which refers to the stability of microemulsions; and an article of Wennerstrom et al., *Colloid and Surfaces A*:123-124:13-26 (1997) that refers to the above article of Gillberg et al. with regard to thermodynamic stability of microemulsions (see page 14, left column, first paragraph). Also, submitted is an article of Paul et al., *J. Dispersion Science and Technology* 18(4):301-367 (1997) which discusses at page 302, lines 14-20 the thermodynamic stability of microemulsions. Thus, this term has a clear meaning in the art and distinguishes the microemulsions from other emulsions.

Applicants respectfully submit that Varadaraj's emulsions are not thermodynamically stable. Thus, Varadaraj's microemulsions are shown by Varadaraj himself to phase separate after 72 hours (see paragraph [0043] of Varadaraj '722). The microemulsions of the present invention, being required to be thermodynamically stable, are, thus, distinct from Varadaraj's emulsions.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw these two anticipation rejections. An early notice that these rejections have been reconsidered and withdrawn is earnestly solicited.

Claims 1-9, 15, 17 and 18 were rejected under 35 USC § 102(b) as being anticipated by Jakobs et al. ("Jakobs"), Langmuir, 15: 6707-6711 (1999).

In response, Applicants point out that claim 1 has been amended to require that the microemulsions are nanostructured mixtures. The Examiner noted that this was not a feature of the previous claims and, therefore, could not be relied upon to distinguish Jakobs. See the first paragraph on page 7 of the final rejection. However, in view of the amendments to claim 1, the Examiner's position is not longer valid.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection as well. An early notice that this rejection has also been reconsidered and withdrawn is earnestly solicited.

Claim 12 was rejected under 35 USC § 103(a) as being obvious over Varadaraj I in view of Allgaier et al. ("Allgaier"), US 6,677,293.

Claim 10 was rejected under 35 USC § 103(a) as being obvious over Varadaraj I in view of Steinmann ("Steinmann I"), US 2003/3307484.

Claim 11 was rejected under 35 USC § 103(a) as being obvious over Varadaraj I in view of Filippini et al. ("Filippini"), US 2002/0088167.

Claim 13 was rejected under 35 USC § 103(a) as being obvious over Varadaraj I in view of Filippini and Steinmann (“Steinmann II”), US 6,017,368.

Claim 19 was rejected under 35 USC § 103(a) as being obvious over Varadaraj I.

In response to *all* of the foregoing obvious rejections, which are based on Varadaraj I, Applicants point out that each of these rejections was dependent upon Varadaraj anticipating the basic aspects of the claimed invention, which, as noted above, in view of the amendments to claim 1, is no longer the case. Nothing in any of the secondary references overcomes the above-noted deficiencies of Varadaraj. Accordingly, none of the foregoing makes out a *prima facie* case of the obviousness of any of the rejected claims.

Claim 19 was rejected under 35 USC § 103(a) as being obvious over Jakobs.

In response, Applicants point out that this rejection was dependent upon Jakobs anticipating the basic aspects of the claimed invention, which, as noted above, in view of the amendments to claim 1, is no longer the case. Jakobs alone does not make out a *prima facie* case of the obviousness of claim 19.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw each of these obviousness rejections. An early notice that these rejections have been reconsidered and withdrawn is earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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